

After careful consideration, it is my conclusion that signing this bill into law is both unnecessary and contrary to the interests of public safety for the following reasons:

1. Despite the bill's applicability to "non-violent" criminals, drug dealers participate in an activity that fuels violent crime and murder.
2. Maryland law already affords two-time offenders an opportunity to receive drug treatment services in lieu of a mandatory sentence.
3. The bill seeks to aid addicted individuals, but does not require individuals to receive drug treatment services or make progress in addressing the public health and public safety issue of drug addiction.

Much has been said and written about this bill and, as discussed below, I share most of the policy goals of those who support this bill. However, it is difficult for me, and many Marylanders, to lose sight of the fact that this bill potentially reduces the sentence of individuals who have been twice convicted of distributing drugs in our communities.¹

The drug trade is an inherently violent business. While an individual drug-dealing transaction, or an individual drug production operation, may not experience an incident of violence, the illegal drug market as a whole is shaped and protected through a culture of violence. We know all too well that somewhere along the chain of drug production and distribution lives are lost, families are devastated, and communities are destroyed.

Further, Maryland law has long allowed a second-time offender to ask to receive treatment services for a drug addiction through the Department of Health and Mental Hygiene. Sections 5-608(b)(4) and 5-609(b)(4) of the Criminal Law Article, which are amended by House Bill 992, clearly state that a person convicted of the crime in question "is not prohibited from participating in a drug treatment program under Section 8-507 of the Health-General Article because of the length of the sentence."²

In 1993, the Maryland Court of Appeals addressed the issue of "whether a defendant, who is committed to a drug treatment center pursuant to [Section 8-507] and

¹ While the bill aims to aid addicts convicted of these crimes, it is well accepted that not all drug manufacturers and dealers are addicted to, or even use, the product that they produce and peddle. Yet the bill affords non-addicted street entrepreneurs the same opportunity to make a case to avoid the mandatory minimum sentence as those individuals who may in fact be addicted to and dealing drugs.

² Section 8-507 provides that "a court that finds in a criminal case that a defendant has an alcohol or drug dependency may commit the defendant as a condition of release, after conviction, or at any other time the defendant voluntarily agrees to participate in treatment," to DHMH for appropriate treatment. This commitment can last for any period of time between 72 hours and 1 year.